

Amendment Dated: April 15, 2010  
Response to Official Action Dated: January 15, 2010  
Application Serial No. 10/582,192

REMARKS

Reconsideration of this application is respectfully requested. Applicant believes he has complied with every requirement expressly set forth in the Office Action dated January 15, 2010 (Paper No. 20090709) and believes the application is now in condition for allowance.

The Examiner asserts a new restriction requirement asserting that claim 58 is directed to an invention that is independent or distinct from the elected invention. Applicant has canceled claim 58 and therefore requests that the corresponding restriction requirement be withdrawn.

Claims 14-58 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. The single independent claim 14 has been amended to overcome any purported issues that the claims are not directed to patentable subject matter. In particular, claim 14 has been amended to recite, among other things, “the game area comprises at least two physical playing regions including a first playing region having one or more defined game play areas, and a second larger playing region defining a further game play area.” As identified by the Examiner, “in order to be statutory, the claims must pass the machine transformation test and **provide a meaningful tie to (or transformation of) a physical machine (or apparatus)**. In re Bilski” (emphasis added). Claim 14 has been

Amendment Dated: April 15, 2010  
Response to Official Action Dated: January 15, 2010  
Application Serial No. 10/582,192

amended to describe limitations of a physical game area, which is integral to the claimed the method of playing a team combat sport as recited in the remaining claim language (i.e., the game is played within the game area). Accordingly, Applicant submits that the 35 U.S.C. §101 rejection should be withdrawn.

Claims 14-20, 22, 24, 27-29, 31, 33-38, 41, and 43-49 stand rejected under 35 U.S.C. §102(e) as being anticipated by Wikipedia, Fencing 6/31/06 (“WF”). WF disclose the game of fencing which is played on a Piste, which the Examiner asserts discloses the claimed “game area.” WF describes the Piste as a strip which is 1.5 to 2 meters long and 14 meters wide (i.e. a single game area) with warning lines and lines to indicate the players’ starting positions.

To the contrary, amended claim 14 recites, among other things, a game area that comprises “at least two physical playing regions including a first playing region having one or more defined game play areas, and a second larger playing region defining a further game play area.” Such a feature is not taught or suggested by WF.

For this reason, it is respectfully requested that the 35 U.S.C. §102(e) rejection of claim 14 be withdrawn. Further, since the remaining rejected claims depend from claim 14, it is also requested that the rejections to the corresponding claims be withdrawn.

Amendment Dated: April 15, 2010  
Response to Official Action Dated: January 15, 2010  
Application Serial No. 10/582,192

Claims 21, 23, 25-26, 30, 32, and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over WF as applied to claim 14 above and Wikipedia, Dodgeball 1/20/07 (“WD”), while claim 42 stands rejected under 35 U.S.C. §103(a) as being unpatentable over WF in view of Lohre (U.S. Pat. No. 4,892,303). As discussed above, claim 14 has been amended to overcome any rejections made by the Examiner based on the WF reference. Therefore, Applicant submits the 35 U.S.C. §103(a) rejections based on either a combination of WF and WD or a combination of WF and Lohre, should be withdrawn.

By the above arguments and amendments, Applicant believes that he has complied with all requirements expressly set forth in the pending Office Action. Issuance of a Notice of Allowance on all pending claims is respectfully requested. Should the Examiner discover there are remaining issues which may be resolved by a telephone interview, he is invited to contact Applicant’s undersigned attorney at the telephone number listed below.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

April 15, 2010	By /Gavin J. O’Keefe/
300 South Wacker Drive, Suite 2500	Gavin J. O’Keefe
Chicago, Illinois 60606	Registration No. 59,916
Telephone: 312.360.0080	Customer No. 24978
Facsimile: 312.360.9315	